

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL MALDONADO ROSETE, et al.,

Plaintiffs,

-v-

AANGAN OF INDIA LLC, et al.,

Defendants.

CIVIL ACTION NO.: 20 Civ. 9598 (9598) (SLC)

SCHEDULING ORDER

SARAH L. CAVE, United States Magistrate Judge.

On November 21, 2022, this matter was referred to me to conduct an inquest and to report and recommend concerning Plaintiffs' damages and attorneys' fees with respect to their claims against Defendants Royal Kabab and Curry, Inc., Rym Foods LLC, Nitu Singh, Dicosta Doe, and Aangan of India LLC (together, the "Defaulting Defendants"). (ECF No. 132). On November 23, 2022, the Court directed Plaintiffs to submit their proposed findings of fact and conclusions of law concerning damages as to the Defaulting Defendants no later than December 23, 2022. (ECF No. 133 (the "Nov. 23 Order")). To date, Plaintiffs have neither complied with the Nov. 23 Order nor requested an extension of time to do so. As a one-time courtesy, the Court sua sponte extends this deadline, and **ORDERS** that:

1. Plaintiffs shall submit proposed findings of fact and conclusions of law concerning damages as to the Defaulting Defendants no later than **December 30, 2022**. Plaintiffs must support all factual assertions by affidavit and/or other evidentiary material. Plaintiffs' requested attorneys' fees and costs must be recorded in the form below, adding

fields as necessary, and supported by evidentiary material.

2. The Defaulting Defendants shall submit their response to Plaintiffs' submissions, if any, no later than **January 20, 2023**. IF THE DEFAULTING DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFFS' SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY JANUARY 20, 2023 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFFS' WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment." (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiffs are directed to promptly serve this Order on the Defaulting Defendants and file proof of service by no later than **December 30, 2022**.

Plaintiffs are warned that failure to comply to this Order may result in an order to show cause why their claims against the Defaulting Defendants should not be dismissed for failure to prosecute. Fed. R. Civ. P. 41(b).

Dated: New York, New York
December 28, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge

<u>Requested Attorneys' Fees</u>			
Timekeeper	Requested Rate	Requested Hours	Requested Total
		TOTAL:	

<u>Requested Costs</u>		
Type of Expense	Evidence (with ECF cite)	Amount Requested
	TOTAL:	